

ENVIRONMENTAL QUALITY COUNCIL MEETING MINUTES

FEBRUARY 11, 2015

Joe Citta, Chair, called the meeting of the Nebraska Environmental Quality Council (EQC) to order at approximately 1:15 pm, Central Time, February 11, 2015. The meeting was held at the Cornhusker Hotel, 333 South 13th Street, Lincoln, Nebraska. Public notice of the meeting, scheduled public hearings, and interviews of candidates to forward to Governor Ricketts for consideration for the Director of the Department of Environmental Quality, was published more than 30 days prior to the meeting in accordance with the law. Mr. Citta read a statement at the beginning of the meeting informing the public attending the meeting of the location of a current copy of the Open Meetings Act at the back of the meeting room.

ROLL CALL

Present at roll call were Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. McNutt, Mr. Powers, Dr. Sheppard, Mr. Turnbull, and Mr. Williams. Twelve members present, constituting a quorum. Mr. Zuhlke arrived at 1:25 pm.

ANNOUNCEMENTS

Tom Lamberson, Deputy Director, reminded Council members of their appointment expiration dates and if interested in reappointment to contact Governor Ricketts' office. Mr. Lamberson announced his retirement effective April 12, 2015. Mr. Lamberson also reminded Council members to complete the annual Statement of Financial Interests. Mr. Powers described his involvement in projects at UNL's Innovation Campus involving pollution remediation.

APPROVAL OF MINUTES

Mr. Hedquist made a motion to approve the minutes from the October 16, 2014, meeting. Mr. Gangwish seconded the motion. Voting in favor were Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. McNutt, Mr. Powers, Dr. Sheppard, Mr. Turnbull and Mr. Williams. Twelve voting yes, the motion carried.

REPORTS OF EQC MEMBERS

None.

DIRECTOR'S REPORT

Pat Rice, Acting Director, updated the Council on Legislative bills the Department is following. Mr. Kinter asked about the Department's position on LB469. Mr. Rice said the Department has taken a neutral position.

OLD BUSINESS

None.

NEW BUSINESS

None.

NEXT MEETING

Mr. Lamberson announced that the next meeting will be held on June 4, 2015 but the location has not yet been finalized.

PUBLIC HEARING ON AMENDMENT OF TITLE 195, CHEMIGATION REGULATIONS

Carla Felix, Hearing Officer, opened the hearing. The following exhibits were received:

- Order appointing Carla Felix as Hearing Officer marked (Exhibit 1)
- Proof of publication of legal notice (Exhibit 2)
- Proposed Amendments to Title 195, Chemigation Regulations (Exhibit 3)
- A memorandum from Marty Link, DEQ Acting Water Quality Division Administrator, to the Environmental Quality Council, dated January 6, 2015, titled "Explanatory Statement for Proposed Amendments to Title 195 – Chemigation Regulations" (Exhibit 4)
- Fiscal Impact Statement (Exhibit 5)
- An email from Mark Hague, U.S. EPA Region 7, to Steve Stevenson, DEQ, dated February 3, 2015, regarding EQC Meeting, February 11-12, 2015 (Exhibit 6)
- A copy of the PowerPoint presentation titled, "Proposed Amendments to Title 128 – Nebraska Hazardous Waste Regulations" (Exhibit 7)
- Testifier List for the February 11, 2015, public hearing (Exhibit 8)

Marty Link, DEQ Acting Water Quality Division Administrator, provided testimony and a PowerPoint presentation explaining the proposed amendments. No one else testified.

The Hearing Officer closed the hearing and returned the conduct of the meeting to the Chair.

Mr. Kinter made a motion to approve the proposed amendments to Title 195. Mr. Turnbull seconded the motion. Voting in favor were Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Dahab,

Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. McNutt, Mr. Powers, Dr. Sheppard, Mr. Turnbull, Mr. Williams and Mr. Zuhlke. Thirteen voting yes, the motion carried.

PUBLIC HEARING ON AMENDMENT TO PROGRAM PRIORITY SYSTEM FOR THE WASTE REDUCTION AND RECYCLING INCENTIVE GRANTS FUND

- Order appointing Carla Felix as Hearing Officer marked (Exhibit 1)
- Proof of publication of legal notice (Exhibit 2)
- Waste Reduction and Recycling Grant Application, Program Priority System (Exhibit 3)
- A memorandum from David B. Haldeman, DEQ Waste Management Division Administrator, to the Environmental Quality Council, dated January 6, 2015, titled "Waste Reduction and Recycling Incentive Grants Program, New Program Priority System" (Exhibit 4)
- An email from Mark Hague, U.S. EPA Region 7, to Steve Stevenson, DEQ, dated February 3, 2015, regarding EQC Meeting, February 11-12, 2015 (Exhibit 5)
- A letter with attachment from Richard Yoder, Nebraska Business Development Center, University of Nebraska Omaha, to the Nebraska Environmental Quality Council, dated February 10, 2015, regarding Amendments to the Program Priority System for the Waste Reduction and Recycling Incentive Grants (Exhibit 6)
- Testifier List for the February 11, 2015, public hearing (Exhibit 7)

David Haldeman, DEQ Waste Management Division Administrator, provided testimony explaining the proposed amendments. Richard Yoder, Nebraska Business Development Center, University of Nebraska Omaha, testified. Mr. Kinter and Mr. Dahab recommended that the Department meet with stakeholders regarding further outreach on the new scoring system, and report back to the Council at the June 4, 2015 meeting. Mr. Haldeman agreed.

The Hearing Officer closed the hearing and returned the conduct of the meeting to the Chair.

Mr. Hedquist made a motion to approve the proposed amendments to the Program Priority System for the Waste Reduction and Recycling Incentive Grants Fund. Mr. Czaplewski seconded the motion. Voting in favor were Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. McNutt, Mr. Powers, Dr. Sheppard, Mr. Turnbull, Mr. Williams and Mr. Zuhlke. Thirteen voting yes, the motion carried.

PUBLIC HEARING ON RULEMAKING PETITION TO AMEND TITLE 128, NEBRASKA HAZARDOUS WASTE REGULATIONS

- Order appointing Carla Felix as Hearing Officer marked (Exhibit 1)
- Proof of publication of legal notice (Exhibit 2)
- A petition for rulemaking filed by Tyson Foods, Inc., on December 18, 2014, transmitted by letter through Michael J. Linder, Koley Jessen Law Firm (Exhibit 3)

- A memorandum from Thomas R. Lamberson, DEQ Deputy Director, to the Environmental Quality Council, dated December 31, 2014, titled "Citizen Rulemaking Petition" (Exhibit 4)
- An copy of the PowerPoint presentation titled, "Tyson Foods, Inc., Rulemaking Petition, Leather Waste," presented by Chris Logue and Andy Rhein (Exhibit 5)
- Testifier List for the February 11, 2015, public hearing (Exhibit 6)

Chris Logue and Andy Rhein, Tyson Foods, Inc., provided testimony explaining the rulemaking petition. David Haldeman, DEQ Waste Management Division Administrator, testified that the Department had no objection to the petition. In response to a question about the citizen rulemaking process, Annette Kovar, Agency Legal Counsel, explained the Council options to disapprove or initiate rulemaking by scheduling a formal public hearing on the petition at the June 4, 2015 meeting.

The Hearing Officer closed the hearing and returned the conduct of the meeting to the Chair.

Dr. Sheppard made a motion to approve the petition request to place it on the June 4, 2015 EQC meeting agenda. Mr. Zuhlke seconded the motion. Voting in favor were Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. McNutt, Mr. Powers, Dr. Sheppard, Mr. Turnbull, Mr. Williams and Mr. Zuhlke. Thirteen voting yes, the motion carried.

Chair Citta recessed the meeting at approximately 4:10 pm Central Time, to reconvene at 8:30am Central Time, February 12, 2015.

Respectfully Submitted,



Patrick W. Rice, Acting Director
Secretary for the EQC

MEETING MINUTES (continued)

February 12, 2015

Joe Citta, Chair, reconvened the meeting of the Nebraska Environmental Quality Council (EQC) at approximately 8:25 a.m., Central Time (CT), February 12, 2015. The meeting was held at the Cornhusker Hotel, 333 South 13th Street, Lincoln, Nebraska for the purpose of conducting candidate interviews to forward to Governor Ricketts for consideration for the Director of the Department of Environmental Quality. Public notice of the meeting and scheduled public hearings was published more than 30 days prior to the meeting in accordance with the law. Mr. Citta read a statement at the beginning of the meeting informing the public attending the meeting of the location of a current copy of the Open Meetings Act at the back of the meeting room.

ROLL CALL

Present at roll call were Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. McNutt, Mr. Powers, Dr. Sheppard, Mr. Turnbull, Mr. Williams and Mr. Zuhlke. Twelve members present, constituting a quorum. Mr. Dahab arrived at approximately 8:30 a.m.

DIRECTOR CANDIDATE INTERVIEWS

The EQC conducted interviews of four candidates for possible submittal to Governor Ricketts to consider for Director of the Department of Environmental Quality. The EQC decided to forward the names of all four candidates to Governor Ricketts for his consideration. The Chair, Mr. Citta, introduced each candidate with a brief statement reprinted below. The votes for each candidate are as follows:

Scott Nally

Mr. Nally has a Bachelor's Degree in Biological Sciences from North Carolina University and a Master's Degree from the University of Wyoming. He is presently serving as the Senior Vice President of quasar Energy Group, having previously served as the Director of the Ohio Environmental Protection Agency and Assistant Commissioner of the Indiana Department of Environmental Management. Prior to his public service Mr. Nally was Regional Environmental Manager of Perdue Foods Incorporated for 11 years and with Rose Acre Farms Incorporated for more than three years.

Mr. Gangwish made a motion to forward this candidate's name to the Governor. Mr. Williams seconded the motion. Voting in favor were: Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Gangwish, Mr. McNutt, Mr. Turnbull, Mr. Williams, and Mr. Zuhlke. Voting in opposition were:

Mr. Dahab, Mr. Hedquist, Mr. Kinter, Mr. Powers, and Dr. Sheppard. Eight voting yes, the motion carried.

Jim Macy

Mr. Macy has a Bachelor's in Agriculture from the University of Missouri and a Master's in Education. Mr. Macy is presently a Principal Scientist-Client Manager with Environmental Works, Inc. Prior to that Mr. Macy spent more than 20 years with the Missouri Department of Natural Resources in various capacities. Those responsibilities included Director-Financial Assistance Center, Environmental Compliance Section Chief, and Field Services Division Director.

Mr. Czaplewski made a motion to forward this candidate's name to the Governor. Mr. Hedquist seconded the motion. Voting in favor were: Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Dahab, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. McNutt, Mr. Powers, Dr. Sheppard, Mr. Turnbull, Mr. Williams and Mr. Zuhlke. Thirteen voting yes, the motion carried.

Joe Francis

Mr. Francis has a Bachelor of Science Degree in Environmental Health from the University of Nebraska and a Master's Degree in Public Administration from the University of Nebraska, Omaha. Mr. Francis has worked for the Department of Environmental Quality in various capacities since 1975. His most recent positions have been the Associate Director-Field Services and Assistance Division since 1998. Prior to that Mr. Francis was Assistant Director-Air and Waste Management Division for seven years.

Mr. Powers made a motion to forward this candidate's name to the Governor. Dr. Sheppard seconded the motion. Voting in favor were: Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. McNutt, Mr. Powers, Dr. Sheppard, Mr. Turnbull, Mr. Williams and Mr. Zuhlke. Mr. Dahab was not present for this interview and vote. Twelve voting yes, the motion carried.

Pat Rice

Mr. Rice has a Degree in Civil Engineering from South Dakota State University and is a Professional Engineer. Mr. Rice is presently the Acting Director of the Nebraska Department of Environmental Quality. Prior to being appointed Acting Director, Mr. Rice was Assistant Director Water Quality Division of the Department. Prior to coming to Nebraska, Mr. Rice worked for the South Dakota Department of Environment and Natural Resources for approximately 19 years. His responsibilities included Director-Technical and Support Services Division and Natural Resources Administrator.

Mr. Turnbull made a motion to forward this candidate's name to the Governor. Mr. Czaplewski seconded the motion. Voting in favor were: Mr. Anderson, Mr. Citta, Mr. Czaplewski, Mr. Dahab,

Mr. Gangwish, Mr. Hedquist, Mr. Kinter, Mr. McNutt, Mr. Powers, Dr. Sheppard, Mr. Turnbull, Mr. Williams and Mr. Zuhlke. Thirteen voting yes, the motion carried.

Chair Citta adjourned the meeting at approximately 4:10 p.m. CT.

Respectfully submitted,

A handwritten signature in black ink that reads "Thomas R. Lamberson". The signature is written in a cursive, flowing style.

Thomas R. Lamberson
Deputy Director

